COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

DATE	FILE NO.
November 26, 1993	IAB #006591

PERSONNEL INVOLVED

VALDEZ, Eric, Deputy #[redacted]
Central Jail
Custody Division

PERSON INJURED

Unknown

CHARACTER OF CASE

Officer Involved Shooting - Assault with a Deadly Weapon (a club) on a Peace Officer

LOCATION

901 Via San Clemente (Quiet Cannon Restaurant), Montebello

REFERENCE	INVESTIGATOR
Paul E. Myron, Chief **Custody Division**	**Sergeants Paul Stemmler** **Internal Affairs Bureau**

SYNOPSIS

On November 25, 1993 at approximately 0145 hours, Subject Valdez and three other deputies, while off-duty, were leaving the Quiet Cannon Restaurant when they were involved in a verbal altercation with some civilian occupants of a car in the parking lot. Subject Valdez was subsequently struck in the head with a metal club.

A foot pursuit ensued between Subject Valdez and his assailant. The assailant managed to escape by jumping into a moving car, but not before Subject Valdez, fearing that the suspect was about to assault him again, fired three rounds from his Beretta at him.

SUBMITTED BY	REFERRED FOR RECOMMENDATION TO
Judith A. Lewis, Captain **Internal Affairs Bureau**	**Custody Division**

STATUS OF SUBJECTS

Continuing on Duty

INVESTIGATIVE SUMMARY

On November 26, 1993, Sergeants Gary DeCew and Thom Bradstock of the Internal Affairs Bureau responded to the Quiet Cannon Restaurant in the City of Montebello to investigate the off-duty shooting incident involving Subject Deputy Eric **Valdez**, #[redacted] assigned to Central Jail.

Sergeants DeCew and Bradstock submitted their initial review and findings of their inquiry to the Department's Commander's Review Committee on Shooting and Force. On August 4, 1994, the Committee recommended that a complete administrative investigation be conducted by the Internal Affairs Bureau. The initial inquiry is included in this investigation as Exhibit A.

The summary of this incident is based on reports, memoranda and taped interviews contained in this packet.

> IAB NOTE: Witnesses **Adair, Casteneda** and **Conley** and Subject **Valdez** all stated that they arrived at the Quiet Cannon Restaurant in the City of Montebello after their PM shift at Central Jail was over on November 25, 1993 and stayed inside until it closed. They all said there were no incidents inside until they started to leave.

Adair said he, **Valdez** and **Casteneda** walked to their cars in the parking lot west of the entrance after closing and were saying good-bye to each other when he saw a car drive up toward them. He said two of the occupants got out of the car and began arguing with **Casteneda** and **Valdez.** He said he heard **Casteneda** say something to the effect "Hey, we don't want any problems, we just want to go home." He said the driver continued to confront **Casteneda** and he said he heard **Casteneda** tell him that they were all Deputy Sheriffs and did not want any problems. He said he could not remember if **Casteneda** showed anybody his identification. He said he saw the third passenger get out of the car and stand by the door.

> IAB NOTE: The location marked "glass" on the diagram indicates where the incident took place. A copy of the diagram is attached to this Investigative Summary for easier reference.

Casteneda said that as they approached their cars, another car pulled into the lot and drove past them. He said the three male Hispanic occupants of the car mumbled something to them. He said he paid slight attention to them and continued walking.

He said that when he and the others arrived at their cars, the occupants of the other car stopped and got out. He said two of the occupants started walking toward them. He said the driver said to him "Do you have a problem?" He said the driver was very confrontational toward him. He said he told the driver that he (**Casteneda**) and the others were Deputy Sheriffs and that they did not want to have any problems with them.

Valdez said they left the club's entrance and walked to their car. He said they paused in the parking lot to say good-bye when a car drove through the lot. He said the driver made a comment to them, saying "What did you guys say about my car?" He said he told the driver they did not say

anything about his car.

He said that a few seconds later he heard the parking brake engage on the car and the driver open the door. He said he saw the driver get out and pull the front seat forward, allowing the left rear passenger to exit. **Valdez** said he did not see the third passenger in the front seat exit the car.

> IAB NOTE: **Conley** had stayed behind at the club's entrance to talk to someone and did not accompany the other three to their cars.

Adair said he believed that a fight was about to ensue so he went inside his car to get his gun. He said when he came out of the car, he saw the third passenger, who had been standing by the car door, running away from the group holding a steering wheel locking device. He said he also noticed that **Valdez** had blood coming from his head and that it was obvious he had been struck by the suspect. He said he did not see the struggle between **Casteneda** and the other suspect.

Casteneda said that while he and **Valdez** were talking to the occupants, **Adair** went to his car to get his gun. He said that he and the driver started shoving each other. He said he struck the driver in the face with his fist when the driver kept advancing toward him. He said he saw **Valdez** in a struggle with the passenger but lost sight of him because of his struggle. He said that the driver abruptly stopped and started backing up with his hands raised when he saw **Adair** pointing his gun at him. He said he could not remember if **Adair** identified himself or not but heard him (**Adair**) say "Freeze." He said the other suspects got back into the car and attempted to drive away. He said he saw Valdez break the window on the driver's side, reach in and grab the keys from the ignition.

Casteneda said he heard **Adair** yell "Fuck" and when he turned around, he saw that **Valdez** had blood coming from a head wound. He said he didn't see what had happened to **Valdez**. He said **Valdez** was saying "Stop that guy." He said the suspect who **Valdez** was pointing at had been the third passenger in the car and the last time he had seen him was when he (suspect) was standing by the car door.

Valdez said the driver and passenger walked to him and **Casteneda** and, in a confrontational manner, demanded to know what he (**Valdez**) and **Casteneda** had said about his car. He said he and **Casteneda** again told the driver that they had said nothing about his car. He said he heard **Casteneda** tell the driver that they were off-duty Deputy Sheriffs and that they did not want any problems that evening.

Valdez said that after a few seconds, he saw the driver push **Casteneda** and then the two started struggling. He said that as he started to move toward **Casteneda** and the driver, he was struck in the right temple by something. He said that a few seconds later, he was struck again in the back of the head. He said that at first, he thought he had been struck by someone's fist and thought to himself, "Geez, this guy hits hard." He said he stumbled to a grassy area near his car and was dazed and thought he was going to fall.

He said he regained his composure enough to strike the driver of the car once in the face with his fist. He said the driver grabbed his nose and fell to the ground. He said this seemed to stop the struggle between **Casteneda** and the driver and then he remembered both male and female voices behind him asking him if he was injured.

Valdez said he then saw the driver and the first passenger get back into their car and attempt to drive away. He said he rushed over to the open driver's window and told them that they weren't going anywhere because their friend had assaulted him (Valdez). He said he tried to reach through the window to take the keys and the driver started to roll up the window. He said his right hand was caught in the window so he struck the window with his left hand, breaking it. He said he reached in and took the keys out of the ignition, disabling the car. He said the driver did not try and resist.

Valdez said he then focused on the suspect with the club because he had the keys to the car and knew they could not drive away. He said he yelled at the suspect to stop and identified himself by saying "We're cops." He said the suspect did not respond but instead began running north toward the club entrance. He said he started running after the suspect. He said he passed **Conley**, who was standing near the entrance to the club and yelled for him to follow.

He said he encountered a security guard and identified himself as a Deputy Sheriff. He said he thought that the guard radioed to others that he was a Deputy. He said he stumbled over **Conley** during the pursuit but did not fall. He said that as he ran after the suspect, he had to continually dodge people and cars in the path of the foot pursuit. He said the chase continued into the street while he yelled at the suspect to stop.

Conley said that there was some kind of commotion in the lot where he and the others had parked which drew his attention in that direction. He said that when he looked in that direction, he saw **Valdez** running towards him from the parking lot. He said **Valdez** had blood coming from his head. He said **Valdez** reached him in a few seconds and it was then that he noticed **Valdez** was chasing someone. He said he first saw the suspect about 20 feet in front of **Valdez** and realized that **Valdez** was chasing him. He said he came to this conclusion because of **Valdez'** appearance and the fact that the suspect was the only person who was running. He said he could not remember if the suspect had anything in his hands. He said he did not see **Valdez** with his gun out.

Conley said he started running after **Valdez** to help him both capture the suspect and help him (**Valdez**) with his injuries. He said that when he started to run, he had difficulty because he was wearing uncomfortable boots. He said **Valdez** was approximately 15 to 20 feet ahead of him when he (**Conley**) started running. He said he did not hear **Valdez** saying or yelling anything to anybody during the foot pursuit. He said he did not see **Valdez** pull anything out of his pocket before he tripped. He said that during the foot pursuit, he got no closer than 15 to 20 feet from **Valdez**.

Conley said that as the chase continued, he tripped and fell on the cement. He said he could not remember what it was he tripped over but he scraped his hands on some concrete when he fell. He said he couldn't tell how far **Valdez** had gotten ahead of him because the area was filled with the patrons of the Quiet Cannon who were leaving because of closing time. He said he lost sight of **Valdez** as soon as he tripped and by the time he got up, **Valdez** was out of sight.

> IAB NOTE: **Conley** said he had borrowed **Valdez'** boots that evening to get into the Quiet Cannon because of their dress code.

Valdez said that the chase came to an abrupt halt when the suspect stopped and turned toward him. He said the suspect held the club with both hands in a batter's stance as if to swing at him. He said he did not want to get any closer to the suspect for fear of being hit again.

Valdez said that when he tried to stop his forward momentum, he lost his footing and his right foot slid out from underneath him. He said that as he started to fall, he raised his gun (which he had removed from his waistband seconds before the final confrontation) and fired three rounds at the suspect. He said that as he fired, he fell to his left and was only stopped from falling completely by placing his left hand on the asphalt.

Valdez said he was approximately 6 feet from the suspect, and still running toward him, when he attempted to stop his forward momentum. He said he believed that if he did not stop, he would run into the suspect, who was now holding the club in a baseball batter's stance and shuffling his feet.

Valdez said that when he started to fall, he fired three rounds from his gun because he (suspect) was close enough to strike him again with the club. He said he remembered saying "Deputy" to the suspect. He said the turning motion of the suspect with the club in his hand indicated to him (**Valdez**) that the suspect would strike him if he did not shoot. He said he did not fire accidentally but with the purpose of deterring the suspect from hitting him again. He said he attributes the fact, assuming he did miss the suspect, that he was falling when he fired.

Conley said that from the time he started running after **Valdez** to the time he tripped was only a few seconds. He said that as he was getting up after tripping, he heard three gunshots but could not see who had fired them because of the throng of people in the street. He said approximately 5 seconds or so elapsed after he got up that he heard the gunshots. He said he realized that although there weren't any natural obstructions in his line-of-sight to **Valdez**, there were numerous people and cars in the area obstructing his view when he fell.

Casteneda said the foot pursuit route wound around and in front of the entrance to the Quiet Cannon. He said **Conley** joined the foot pursuit. He said he almost tripped over **Conley** when he (**Conley**) stumbled and fell. He said **Valdez** was too far ahead of both of them when they stumbled and that is partly why he lost sight of **Valdez** and the suspect. He said he lost sight of **Valdez** when the chase went into the street. He said he could not see either the suspect or **Valdez** because of the number of cars and people in the street. He said he was concentrating on avoiding the cars and people.

Casteneda said that during the time he was chasing **Valdez** and the suspect, he heard three shots. He said that about ten seconds had elapsed from the time he lost sight of **Valdez** and he heard the shots. He said he then saw **Valdez**, with his back to him, standing in the road. He said when he finally reached **Valdez**, he looked north on Via San Clemente and saw the suspect jumping into a car driving away from them. He said **Valdez** was standing in the middle of the street when he saw him. He said he was approximately 25 to 30 feet away from **Valdez** when he finally found him.

Valdez said that after he fired at the suspect, he (suspect) dropped or threw down the club, ran behind a car parked at the curb, around to the passenger's side and dove in. He said the car then drove down (north) Via San Clemente and out of sight. He said he believed he saw a portion of the suspect's feet sticking out of the window of the car as it disappeared. He said he did not notice the parked car before the suspect dove in but that it had apparently been parked there. He said he did not notice it drive up when the incident was occurring but that it was not the car the suspect had been in originally.

Valdez said that in addition to the blow to the right temple and the laceration he received to the

back of his head, he also experienced headaches and loss of sleep from the incident. He said he was off work for about a week and returned for only one day. He said he had to remain off of work for another week because of the constant headaches from the original blows.

Valdez reiterated that he believed that the suspect, who was close enough to do so, would have struck him again had he not fired at him. He said he fired three times [redacted] in close situations like the one he experienced.

IAB NOTE: The Montebello Police Department investigated the assault on **Valdez** after the incident. Their report and the subsequent interviews with **Valdez, Adair, Casteneda and Conley** are included in the original inquiry, attached as Exhibit C.